

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -x

UNITED STATES OF AMERICA	:	<u>ORDER</u>
- against -	:	16 Civ. 5584 (DC)
	:	08 Civ. 171 (DC)
JAMIE GOMEZ,	:	
	:	
Defendant.	:	

- - - - -x

CHIN, Circuit Judge:

On November 30, 2021, defendant Jamie Gomez filed a motion to alter or amend a judgment under Federal Rule of Civil Procedure 59(e). 16 Civ. 5584 Dkt. No. 17. Gomez seeks to alter the Court's June 24, 2021, order, 16 Civ. 5584 Dkt. No. 15, denying his successive 28 U.S.C. § 2255 motion. 16 Civ. 5584 Dkt. No. 1. His 59(e) motion is denied.

As a threshold matter, the Court considers Gomez's motion to be timely filed on July 15, 2021, within "28 days after the entry of the [June 24, 2021,] judgment." Fed. R. Civ. P. 59(e). Gomez represented to the Court in a letter dated November 7, 2021, that he had filed a Rule 59(e) motion in July 2021, which the Court did not receive. 99 Cr. 1048 Dkt. No. 263. The Court requested that Gomez submit a copy of his motion and proof of July 2021 service and mailing. 99 Cr. 1048-2 Dkt. No. 264. Gomez complied, and his certificate of service shows

that the motion was served on the Court and the government on July 15, 2021.

Nevertheless, Gomez's motion fails on the merits. Gomez contends that "this Court incorrectly relied solely on [an] alleged confession that is neither corroborated by substantial independent evidence or by itself can support a finding of guilt to count[s] Four & Five." 16 Civ. 5584 Dkt. No. 17 at 5. Gomez incorrectly reads the Court's June 24, 2021, order. The order explains that the "record contained substantial evidence" to support Counts Four and Five. 16 Civ. 5584 Dkt. No. 15 at 9. For example, the order references prior decisions concluding, based on transcripts in the evidentiary record, that Gomez was knowingly hired as a hitman to assist in narcotics distribution. *See United States v. Gomez*, 210 F. Supp. 2d 465, 478 (S.D.N.Y. 2002); *see also United States v. Marmolejas*, 112 F. App'x 779, 782 (2d Cir. 2004) (summary order) ("[W]e reject Gomez's contention that the evidence was somehow insufficient to support his conviction on the narcotics conspiracy counts.")

For the reasons set forth above, Gomez has failed to show a basis for relief under Federal Rule of Civil Procedure 59(e). Accordingly, his motion to alter or amend the Court's June 24, 2021, judgment is **DENIED**. The Clerk of the Court is

directed to send a copy of this Order to Gomez at the address listed below.

SO ORDERED.

Dated: New York, New York
December 7, 2021

s/Denny Chin
DENNY CHIN
United States Circuit Judge
Sitting by Designation

To: Jamie Gomez, 48323-054
F.C.I. Ray Brook
P.O. Box 900
Ray Brook, NY 12977